

JUN 07 2024

PER CP
DEPUTY CLERK

IN REGARDS TO CASE NO. 3:24-CV-00078

AS THE DEFENDANTS STATED IN THEIR MOTION FOR ENLARGEMENT OF TIME, MY CLAIMS ARE, I WAS REFUSED A CUSHION FOR MY WHEELCHAIR. RESULTING IN THE DEVELOPMENT OF A DECUBITUS ULCER THAT I WAS EVENTUALLY HOSPITALIZED FOR DUE TO THE DELIBERATE INDIFFERENCE OF THE DEFENDANTS. MY PERSONAL PRESSURE MAPPED WHEELCHAIR WAS TAKEN & LOST. SO THE LACK OF MY PERSONALLY FITTED CHAIR ALONG WITH THE LACK OF AN APPRECIATE CUSHION HELPED TO SPEED UP THE BREAKDOWN OF MY SKIN CAUSING THE ULCER. AN 8TH AMENDMENT VIOLATION FOR FAILING TO PROVIDE PROPER MEDICAL CARE. MY PROPERTY WAS DESTROYED. I WAS DENIED ACCESS TO THE LAW LIBRARY, DENIED RECREATION & MY WOUND CARE WAS NEGLECTED. ALL CONSTITUTIONAL RIGHTS VIOLATIONS ON THEIR OWN BUT NOW ADD TO IT THAT THESE VIOLATIONS WERE TAKING PLACE BECAUSE THE S.H.U AT F.C.I ALLENWOOD IS NOT WHEELCHAIR ACCESSIBLE & ME BEING A PARAPALYIC MAKES THESE INJUSTICES A VIOLATION OF SECTION 504 OF THE REHABILITATION ACT & THE EQUAL RIGHTS CLAUSE.

FURTHERMORE, I WAS STRIPPED NAKED TO RECEIVE A "SKIN ASSESSMENT" (AFTER MY MULTIPLE COMPLAINTS) & HAD MY MEDICAL ISSUES DISCUSSED ALL RIGHT IN MY S.H.U CELL WITH MY CELLMATE RIGHT THERE, A VIOLATION OF MY HEPPA RIGHTS. ONCE AGAIN BECAUSE THE STAFF DIDN'T WANT TO TAKE ME UP THE

STAIRS. I WAS ASSAULTED MULTIPLE TIMES ON CAMERA, WHICH HAS AN INTERNAL INVESTIGATION GOING ON. I WAS DENIED MY RELIGIOUS DIET, A R.F.B. A VIOLATION, YET I WAS DENIED 39 MEALS TOTAL WHICH IS CRUEL & UNUSUAL PUNISHMENT. I TOLD THE WARDEN ABOUT THESE ISSUES & RECEIVED REPLIES LIKE: "AT LEAST THEY DIDN'T KILL YOU" & "KEEP COMPLAINING AND I'LL BURY YOU BACK HERE." (MEANING KEEP ME IN THE S.H.U.)

ALL OF THIS YET THE DEFENDANTS FAIL TO EVEN ADDRESS MANY OF THESE ISSUES, LEAVING THE COURT NO OPTION BUT TO INFER THE DEFENDANTS ACCEPT THEM AS TRUE & SHOWING THEIR MERIT, THAT ALONE SHOULD ALLOW OF A DISMISSAL OF THE DEFENDANTS MOTION.

THE FACT THAT MY CLAIMS HAPPEND WHILE I WAS IN THE S.H.U (ON FABRICATED CHARGES) DOESN'T TAKE AWAY FROM THE FACT THAT IT'S STILL AN UNNECESSARY & WANTON INFLECTION OF PAIN (MENTAL, PHYSICAL & PSYCHOLOGICAL) THE FAVORABLE TERMINATION RULE IS IN NO WAY APPLICABLE SINCE I AM NOT CHALLENGING MY DISCIPLINARY SANCTIONS. I'M SIMPLY STATING THE CHAIN OF EVENTS THAT TOOK PLACE. FACTUALLY & LEGALLY SIMILAR CLAIMS HAVE PREVIOUSLY BEEN DECIDED BY THE COURTS. BEVEN'S CORE PURPOSE IS DETERRING INDIVIDUAL OFFICERS FROM ENGAGING IN UNCONSTITUTIONAL WRONGDOING, AND ALLOWING MY CLAIM TO PROCEED WOULD NOT REQUIRE THE COURT TO INTRUDE INTO "THE DISCUSSION AND DELIBERATIONS THAT LED TO THE FORMATION" OF ANY PRISON POLICY OR SECURITY DECISION OR INTEREST. THE DEFENDANTS' BRIEF

IS AN ATTEMPT TO PRECLUDE REDRESS UNDER BIVENS BY
F.C.I ALLENWOOD EMPLOYEES NO MATTER HOW EGREGIOUS
THE MISCONDUCT OR RESULTANT INJURY.

WITH THAT SAID THE PLAINTIFF MOVES TO HAVE THE
DEFENDANTS MOTION DISMISSED.

RESPECTFULLY SUBMITTED,
~~Thomas Petoff~~ PRO-SE
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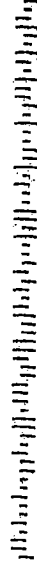
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